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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,119	02/13/2004	Jonathan Hui	03630.000199.1	5009

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FITZPATRICK CELLA HARPER & SCINTO  
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EXAMINER	
JUNG, DAVID YIUK	

ART UNIT	PAPER NUMBER
2134	

MAIL DATE	DELIVERY MODE
05/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/777,119	<b>Applicant(s)</b> HUI ET AL.	
	<b>Examiner</b> David Y. Jung	<b>Art Unit</b> 2134	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on March 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-66 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-66 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **CLAIMS PRESENTED**

Claims 1-66 are presented.

### **CLAIM REJECTIONS**

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-33 are rejected under 35 USC 101. The claimed inventions of claims 1-33 are directed to non-statutory subject matter. Claims 1-33 are directed to extensible markup language and to element tags of extensible markup language. Thus, the subject matter of claims 1-33 do not deal with such physical nature as required under 35 USC 101.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over SMIL (Synchronized Multimedia Integration Language (SMIL) 1.0 Specification, W3C Recommendation 15-June-1998, available at <http://www.w3.org/TR/REC-smil/> -- cited in an earlier Office Action) and IEEE (Echiffre, M., Marchisio, C., Marchisio, P., Paniciari, P., and Del Rossi, S. 1998. MHEG-5— Aims, Concepts, and Implementation Issues. *IEEE MultiMedia* 5, 1 (Jan. 1998), 84-91 – cited in an earlier Office Action).

The subject matter of this patent application is noted at the title of this application and pages 1-8. At page 8, Applicant noted the limitations of SMIL 1.0. The problems noted at page 8 were already noted and discussed (as noted in the survey paper of IEEE, which is relied and cited in the rejections section). Indeed, actual standards have already existed for event handlings. IEEE, among others, noted MHEG-5. This standard was already well known to be used with in the context of Web browsers. See IEEE, section MHEG-5 runtime engine, the first paragraph, which discusses the relationships between Web browsers and MHEG-5. Because SMIL are XML 1.0 documents which explicitly work with Web browsers, both of the references and the subject matter of this patent application are in the same field of endeavor.

Regarding claim 1, SMIL teaches "In an extensible markup language, which comprises elements, used in developing and executing a multimedia presentation by a computer, an element tag, which is readable by the computer from a memory and defines an [ ], comprising: a parameter indicating a type of [ ] to be captured by the computer, wherein the [ ] element tag represents a function to detect the indicated type of [ ] and to process at least one element associated with the [ ] element tag in response

to the detected type of [ ] (section 1. Specification Approach, the first sentence which discusses XML and refers to terms defined in XML 1.0)." Note that XML refers to extensible markup language. Note also that XML uses element tags to handle data.

These passages of SMIL do not teach "event" in the sense of the claim.

IEEE teaches "event (section MHEG-5 overview, the first paragraph which discusses event, action") for the motivation of having easier user control (section MHEG-5 overview, the third paragraph which discusses user control and navigation features).

Hence, it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine teachings of SMIL and IEEE for the motivation noted in the previous paragraphs so as to teach the claimed invention.

Claims 1, 5, 8, 9, 10, 16, 21, 24, 29, 30, 32 are independent claims.

Claims 5, 8, 9, 10, 16, 29, 30, 32 deal with various attribute handlings. See IEEE, section Major MHEG-5 classes, the first paragraph, which discusses attributes in the context of events, actions, and objects.

Claims 21, 24 deal with various interpolate (indication of time and value changes over time). See SMIL, section 4.2 Synchronization Elements, which discusses indication of time and value changes over time. In particular, note the par element (parallel time handling) and the seq element (sequential time element).

Claims 2-4, 6-7, 11-15, 17-20, 22-23, 25-28, 31, 33 are dependent claims.

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Claims 2-4 11-12, 15, 17-20, 22-23, 25-28 deal with various event handlings. See IEEE, section Major MHEG-5 classes, the first paragraph, which discusses attributes in the context of events, actions, and objects.

As noted in IEEE, MHEG-5 was especially created for such various event handlings because such features were particularly in demand at the time of the creation of MHEG-5.

Claims 6-7, 13-14, 31, 33 deal with various synchronization and time handlings. See SMIL, section 4.2 Synchronization Elements, which discusses indication of time and value changes over time. In particular, note the par element (parallel time handling) and the seq element (sequential time element).

As noted in SMIL, the SMIL specification (which is referred in the very title of this patent application) was specially created for such media handlings which necessarily involves such various synchronization and time handlings.

Regarding claims 34-66, these claims are computer-readable medium analogs of claims 1-33. For the reasons noted in the rejections of claims 1-33, these claims 34-66 are not patentable.

### ***Conclusion***

The art made of record and not relied upon is considered pertinent to applicant's disclosure. The art disclosed general background.

### ***Points of Contact***

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

(571) 273-8300, (for formal communications intended for entry)

**Or:**

(571) 273-3836 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Jung whose telephone number is (571) 272-3836 or Kambiz Zand whose telephone number is (272) 272-3811.

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David Jung

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Patent Examiner

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

5/12/07